## DEFORE THE HUMAN RIGHTS COMMISSION OF THE STATE OF MONTANA

Case No.: 0061011647

EDWIN TAYLOR,

Charging Party,

-V-

**ORDER** 

DEPARTMENT OF LABOR AND INDUSTRY.

Respondent.

On August 24, 2005, Edwin Taylor (Taylor) filed a complaint with the Department of Labor and Industry (Department) alleging that the Workers Compensation Regulations Bureau discriminated based on age and disability when it failed to hire him for a Compliance Specialist position. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Taylor's allegations of unlawful discrimination and the Department issued a Notice of Dismissal. Taylor filed objections with the Montana Human Rights Commission (Commission). The Commission considered the matter on May 8, 2006.

The Commission will review a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Mont. Code Ann. § 49-2-509(4)(2003); Admin. R. Mont. 24.9.1714(3).* After careful and due consideration, the Commission concludes the determination of the Department to dismiss the complaint is sufficiently supported by the record and there was no abuse of discretion.

A party may ask a district court to review a decision of the Commission to affirm the dismissal of a complaint. *Admin. R. Mont. 24.9.1714(7);* See also Mont. Code Ann. § 2-4-702. If a charging party chooses to commence a civil action, charging party has 90 days after the receipt of this order to petition a district court, in the district where the

alleged violation occurred, for the appropriate relief. *Mont. Code Ann.* § 49-2-509(5) (2003); *Admin. R. Mont.* 24.9.1714(5). If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.* 

IT IS HEREBY ORDERED, that Edwin Taylor's objection is **overruled.** The Commission adopts and affirms the determination of the Human Rights Bureau to dismiss the complaint.

| DATED this day of May 2006. |                     |  |
|-----------------------------|---------------------|--|
|                             |                     |  |
|                             |                     |  |
|                             | Chair Franke Wilmer |  |

**Human Rights Commission** 

## CERTIFICATE OF SERVICE

| The undersigned secretary for        | r the Human Rights Commission certifies that a true |
|--------------------------------------|---|
| and correct copy of the foregoing OF | RDER was mailed to the following by U.S. Mail,      |
| postage prepaid, on this             | _ day of May 2006.                                  |

EDWIN TAYLOR 597 BLACK DIAMOND BILLINGS MT 59105

MAGGIE CONNOR DEPARTMENT OF LABOR AND INDUSTRY WORKERS COMPENSATION REGULATION BUREAU PO BOX 8011 HELENA MT 59604

KEITH KELLY DEPARTMENT OF LABOR AND INDUSTRY COMMISSIONER'S OFFICE PO BOX 1728 HELENA MT 59624-1728

POLLY BOYER
DEPARTMENT OF LABOR AND INDUSTRY
HUMAN RESOURCES OFFICE
PO BOX 1728
HELENA MT 59624-1728

MARIEKE BECK DEPARTMENT OF LABOR AND INDUSTRY OFFICE OF LEGAL SERVICES PO BOX 1728 HELENA MT 59624-1728

| Montana Human Rights Bureau |  |
|-----------------------------|--|